

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO.: 05-442M
Plaintiff,)
v.) DETENTION ORDER
JAKE HUMPHREY,)
Defendant.)

Offense charged:

Conspiracy to Import and Distribute Marijuana

Date of Detention Hearing: September 14, 2005

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant and two co-defendants are charged with conspiring to import and distribute marijuana from Canada to the United States. The Complaint alleges that on September 6, 2005, Mr. Humphrey and co-defendant Paul McCluskey cleared a landing zone for a helicopter in a remote area of Skagit County, Washington, and then drove separately to the area on

01 September 7, 2005, meeting a helicopter operated by co-defendant Shane Menzel. The Complaint
 02 further alleges that vacuum-sealed bags of marijuana were off-loaded from the helicopter, at which
 03 time the three individuals were arrested. Menzel is alleged to have reported that he participated
 04 in three prior similar smuggles with Humphrey and McCluskey.

05 (2) The allegations of the Complaint depict a sophisticated marijuana smuggling
 06 operation that required careful planning and co-ordination, and the utilization of a Robinson R-22
 07 helicopter entering United States airspace without permission, flying at a low altitude in order to
 08 avoid detection. The alleged admissions by defendant Menzel describe close involvement by all
 09 three defendants in this on-going scheme. The AUSA proffers that federal agents had surveilled
 10 a helicopter drop on five previous occasions, and that other landing areas had been cleared in the
 11 vicinity as well. The access of defendants to the considerable resources necessary to carry out the
 12 scheme, and the inference that other individuals, still at large, must necessarily have been involved
 13 in the scheme, leads to the conclusion that the defendants pose a significant risk of flight as well
 14 as a risk of danger.

15 (3) All three defendants are Canadian citizens, with significant ties to those
 16 communities but no ties whatsoever to this District. An immigration detainer has been filed.

17 (4) The AUSA argues that the quantity of marijuana involved in the conspiracy is in
 18 excess of 100 kilograms, and therefore invokes the rebuttable presumption against defendant as
 19 to both dangerousness and flight risk, under 18 U.S.C. §3142(e). However, the undersigned has
 20 not assumed the application of the rebuttable presumption in considering the government's motion
 21 to detain the defendants.

22 (5) The defendant poses a risk of nonappearance because he is not a United States
 23 citizen and has no ties to this District. The sophisticated nature of the alleged enterprise, including
 24 the utilization of a helicopter, also leads to that to the conclusion that this defendant poses a risk
 25 of nonappearance as well as a risk of danger.

26 (6) There does not appear to be any condition or combination of conditions that will

01 reasonably assure the defendant's appearance at future Court hearings while addressing the danger
02 to other persons or the community.

03 It is therefore ORDERED:

- 04 (1) Defendant shall be detained pending trial and committed to the custody of the
05 Attorney General for confinement in a correction facility separate, to the extent
06 practicable, from persons awaiting or serving sentences or being held in custody
07 pending appeal;
- 08 (2) Defendant shall be afforded reasonable opportunity for private consultation with
09 counsel;
- 10 (3) On order of a court of the United States or on request of an attorney for the
11 Government, the person in charge of the corrections facility in which defendant is
12 confined shall deliver the defendant to a United States Marshal for the purpose of
13 an appearance in connection with a court proceeding; and
- 14 (4) The clerk shall direct copies of this Order to counsel for the United States, to
15 counsel for the defendant, to the United States Marshal, and to the United States
16 Pretrial Services Officer.

17 DATED this 15th day of September, 2005.

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20 Mary Alice Theiler
21 United States Magistrate Judge
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